

## Fragmentary speeches

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## Fragmentary speeches: the oratory and political career of Piso Caesoninus

Henriette van der Blom

Lucius Calpurnius Piso Caesoninus (cos. 58 BC) was not the corrupt politician, incompetent general, greedy governor, and useless orator that Cicero would have us believe.<sup>1</sup> Indeed, it has long been established that Cicero's depiction is misleading, even decidedly false in many places, and that his depiction served political and personal purposes.<sup>2</sup> The rehabilitation of Piso has often focused on his political and military ability and standing rather than on his oratorical skill and the impact of oratorical performances on his political career.<sup>3</sup> However, a closer look at Piso's oratory can help us test not only Cicero's views on Piso, but, more importantly, the validity of Cicero as the main example of a Roman orator and politician and his presentation of oratory as a necessity for a successful political career in the Roman Republic.<sup>4</sup> The careers of politicians such as Pompey and Crassus, and probably other less

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<sup>1</sup> See, in particular, the *in Pisonem* (with Nisbet [1961]), but also *Red. Sen.* 13-16, *Sest.* 19-24, *Prov.* 2-8. I should like to thank the Carlsberg Foundation, Denmark, for generously supporting a research project on Roman oratory and political career from which this article originates, as well as supporting the conference 'Oratory and Political Career in the Roman Republic' (Oxford) where this paper was delivered. I am grateful to Miriam Griffin and Catherine Steel for commenting on drafts of this paper and to the audience at the conference for useful feedback on the delivered version of this paper.

<sup>2</sup> Nisbet (1961), v-xvii, 192-7 and throughout; Broege (1969), 15-19, 60-98; Hofmann-Löbl, (1996) 171-9; Benferhat (2002), 56.

<sup>3</sup> Broege (1969), 19-20 is one of the few who discusses Piso's oratory.

<sup>4</sup> Cicero's rhetorical works (esp. *de Oratore* and *Brutus*) have this view as a premise for

well-known figures, go against this view. Surely, the view of the pivotal role of oratory for a political career needs to be tested. Moreover, the recent emphasis in scholarship on the importance of oratorical performances in Roman politics underlines the need for research into the political careers and the impact of orators other than Cicero.<sup>5</sup>

A focus on the orators left out of Cicero's *Brutus* can help to fill out the picture of republican oratory set out by Cicero and offer new insights into careers different from Cicero's ideal. A comparison between the orators mentioned in Cicero's work with those collected in Malcovati's *Oratorum Romanorum Fragmenta*<sup>6</sup> shows forty-eight individuals not mentioned in Cicero in spite of the survival of speech fragments attributed to them.<sup>7</sup> And then there are those orators who were mentioned neither in Cicero's *Brutus* nor in Malcovati, who could have been bad orators but also could simply have been lost because Cicero excluded them and no extant fragments of their speeches survive, for example Marius, Sulla, and P. Servilius Vatia Isauricus (cos. 79 BC). Much could be said about Cicero's reasons for including or excluding individuals from the *Brutus*,<sup>8</sup> but here the focus will be on one of the excluded orators, namely Piso. I should like to use Piso's case to showcase a political career not focused on the oratorical route in order to exemplify a way around Cicero's dominant but

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discussing his ideal of the Roman orator-statesman; cf. Tac. *Dial.* 36. Cic. *Man.* 42 includes oratorical skill alongside his praise of Pompey's military and political skills.

<sup>5</sup> For discussions of other non-Ciceronian orators, see Rosillo López, Balbo and Mahy in this volume.

<sup>6</sup> Malcovati (1976).

<sup>7</sup> Suerbaum (1997) has done a similar comparison up until 80 BC.

<sup>8</sup> ... and much has been said already (a selection): Suerbaum (1996-7); Gowing (2000); Vogt-Spira (2000); Steel (2003); Lowrie (2008).

exceptional example of an orator-politician.

Malcovati's collection of Piso's oratorical fragments is the obvious place to start.<sup>9</sup> However, there are problems with the selection and presentation of these fragments: the first item listed, Asconius' commentary on Cicero's *in Pisonem* from 55 BC,<sup>10</sup> is good evidence for the fact that Piso, upon his return from his proconsulship in Macedonia, delivered a speech in the senate in which he criticized Cicero for his polemics against him, but it hardly counts as a fragment of Piso's speech. If this text should be regarded as a fragment, then why has Malcovati relegated the bits of Piso's speech reported and paraphrased in Cicero's *in Pisonem* to footnote I? Furthermore, her selection leaves out important bits whilst including some that do not seem to be genuine references.<sup>11</sup> The second item listed under Piso in Malcovati is a passage from Cicero's letter to his brother Quintus, justifying his reasons for not replying to the written *oratio* which Piso had composed as a reply to Cicero's *in Pisonem*.<sup>12</sup> As with the first item, this passage is highly relevant evidence for the existence of this reply from Piso, but it hardly counts as a speech fragment. Cicero simply reports that Piso wrote a speech against him: there is no quotation and, more importantly, this was not a

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<sup>9</sup> *ORF*<sup>4</sup> no. 127.

<sup>10</sup> Asc. *Pis.* 2 C.

<sup>11</sup> Malcovati includes Cic. *Pis.* 2, 18, 39, 56, 60, 62, 72-5, 82, 94, 99. To this should be added *Pis.* 31 (testimonium), 34 (possible fragment), 47 (possible fragment), 64 (testimonium), 78 (possible fragment), 92 (possible fragment), and exclude the following *Pis.* 60 (Cicero imagines what Piso could have said), 99 (no speech fragment). See Koster (1980), 355-7 for a slightly different list of possible fragments and testimonia from Piso's speech.

<sup>12</sup> Cic. *Q. fr.* 3.1.11 (Sept. 54 BC) (SB 21) with Griffin (2001), 94.

delivered speech, but a written *oratio*; what some would call a pamphlet.<sup>13</sup> These problems of selection and presentation of Piso's oratorical fragments necessitate a fresh look at the sources. We have, in fact, more evidence of Piso's oratory than Malcovati lists and I shall discuss the more important items in the following in order to evaluate Piso's oratorical career.

We know very little about Piso's early political career, but Cicero says that he was elected to political offices *sine repulsa*, which suggests election in the first possible year, ending with the securely attested consulship in 58 BC.<sup>14</sup> Cicero's insinuations imply that Piso based his candidature, at least partly, on his name and ancestry from the *nobilis* family of the Calpurnii Pisones.<sup>15</sup> In April 59 BC, Cicero mentions rumours about four possible consular candidates: Pompey, Crassus, Ser. Sulpicius, and Gabinius.<sup>16</sup> By October, Piso was consul designate, alongside Gabinius. The influence of the three dynasts on the elections meant that they must have chosen not to push Pompey and Crassus for election, but instead support Piso (rather

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<sup>13</sup> I shall not here go into the fascinating question of the relationship between delivered speeches and written speeches and the choice between those two media as political weapons.

<sup>14</sup> Cic. *Pis.* 2. Many prominent politicians suffered *repulsae* on their climb up the *cursus honorum* so it was a feat to reach the consulship *sine repulsa*, see Evans (1991) and Broughton (1991).

<sup>15</sup> But Piso was not descended from the famous L. Calpurnius Piso Frugi (cos. 133 BC), in spite of Cicero's hints in Cic. *Sest.* 21–2; *Pis.* fr. 8 with Nisbet (1961) *ad loc.* See Corbeill (1996), 170–1 for further discussion. Cicero's argument deceived Asconius (*Pis.* 2 C) into believing that L. Calpurnius Piso Caesoninus was descended from L. Calpurnius Piso Frugi (cos. 133), but not Syme (1960), 12–13 who showed that he was not.

<sup>16</sup> Cic. *Att.* 2.5.2 (SB 25).

than Sulpicius). Why the dynasts shifted their support from Sulpicius to Piso is not explained directly in the sources, but Sulpicius may have made it clear that he did not wish to cooperate with the three, creating the need for another loyal candidate. Piso's ancestral prestige made him a useful candidate, but why was he not on the initial list of candidates in April, especially since a consulship in 58 BC would be *suo anno*? Perhaps the dynasts would have preferred Sulpicius to Piso, and only promoted Piso when Sulpicius proved uncooperative, or may we sense a slight hesitation here, possibly linked with Piso's Epicureanism?<sup>17</sup> The timing of the marriage between Piso's daughter and Caesar either just before or after the elections (the sources are unclear about timing, but clear about the connection) indicates the link between the marriage and Piso's election and therefore Caesar as directly implicated in effecting Piso's election.<sup>18</sup> Piso's election to the consulship was therefore clearly linked to his status as father-in-law of Caesar, who as consul in 59 BC and a member of the coalition with Pompey and Crassus could influence elections through his *auctoritas*, supporters, and well-placed bribery. Piso's appeal to Caesar was to a great extent his status as a Piso.<sup>19</sup>

The only general testimonia to Piso's oratory stem from Cicero's vengeful, and therefore biased, attacks post-exile.<sup>20</sup> In his *post Reditum in Senatu*, Cicero describes Piso as having no

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<sup>17</sup> On Piso's Epicurean leanings, see Griffin (2001). For another orator of this period with philosophical leanings, see Balbo in this volume on M. Junius Brutus.

<sup>18</sup> Suet. *Jul.* 21; D.C. 38.9.1 (election first); Plu. *Caes.* 14.4; App. *BC* 2.14 (marriage first).

<sup>19</sup> Gruen (1968a), 163-7; Broege (1969), 32-3; Gruen (1974), 143; Hofmann-Löbl (1996), 161-71; Benferhat (2002), 61-2.

<sup>20</sup> Broege (1969), 15-20 compares Cicero's attack on Piso's Epicureanism, which was formulated in very generalizing terms and therefore less credible, with his attack on Piso's

*dicendi vis* ('powers of speaking'). In a similar way, he argues in the *in Pisonem*, that Piso's tongue was characterised by *stupor* and *debilitas* – a sluggish ineptitude, with an undertone of intellectual and moral insufficiency.<sup>21</sup> The other testimonium comes from Quintilian who refers to Cicero's criticism of Piso's *infantia in dicendo* – inability to speak.<sup>22</sup> Given Cicero's bias, this hardly says anything about Piso's oratorical skills, and that may be the reason why Malcovati does not list these testimonia. Piso's oratory may have been influenced, theoretically and actually, by views on rhetoric expressed by the philosopher Philodemus, who wrote a work on rhetoric and enjoyed Piso's patronage.<sup>23</sup> However, there is no specific evidence for such an influence, so, to learn more about Piso's oratory, we must turn to the evidence for specific occasions at which he spoke.

The majority of Piso's attested speeches were delivered in the senate, the earliest securely dated being from Piso's consulship in 58 BC and the latest from 43 BC.<sup>24</sup> Only one *contio*

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lack of oratorical skills in similarly generalizing terms.

<sup>21</sup> Cic. *Red. Sen.* 13; *Pis.* 1. See also Cic. *Red. Sen.* 15.

<sup>22</sup> Quint. *Inst.* 5.13.38.

<sup>23</sup> On Philodemus' work on rhetoric, see Blank (1996); Chandler (1996); Rispoli (1996); Sedley (1997b); Gaines (2001); Wisse (2001). On the relationship between Piso and Philodemus, see Nisbet (1961), 183-6; Broege (1969), 11-15 and esp. 19-20 on Philodemus' rhetorical stance. On Piso's possible ownership of the Villa of the Papyri in Herculaneum, where a great number of Philodemus' texts were found, see Capasso (2010), 92-9, 111-12.

<sup>24</sup> Piso may have spoken in the debate on the Catilinarian conspirators on 5 December 63 BC, or possibly have approached Cicero less formally, interceding on behalf of his cousin Cethegus, one of the conspirators (Cic. *Red. Sen.* 10). But this could also have happened at a later date.

speech (from 58 BC) and one forensic speech (in defence of Scaurus in 54 BC) are attested, but he possibly delivered more. As consul of 58 BC, Piso was expected to speak often, especially in the senate. The occasions we hear about are closely linked to the political actions which led to Cicero's exile, because Cicero is our witness. Again Ciceronian partiality is unavoidable, but we can still get a few glimpses of Piso's words.

Clodius' efforts in early 58 BC to drive Cicero into exile made him convene a *contio* in the *circus Flaminius*. Here Clodius tried to solicit and display support for his *lex Clodia de capite civis Romani*, which was aimed at Cicero's execution of the Catilinarian conspirators without preceding trial in spite of their Roman citizenship. He also promoted his bill on the consular provinces, which would allot the potentially lucrative provinces Macedonia and Cilicia (later Syria) as proconsular provinces to the consuls. At the meeting, the two consuls, Piso and Gabinius, as well as Caesar and Crassus, were present. Clodius clearly intended to have these powerful politicians voice their approval of his bills, which they duly did according to Cicero, who recalled this meeting in his *in Pisonem* three years later:

*Idem illo fere biduo productus in contionem ab eo, cui sic aequatum praebebas consulatum tuum, cum esses interrogatus quid sentiret de consulatu meo, gravis auctor, Calatinus credo aliquis aut Africanus aut Maximus et non Caesoninus Semiplacentinus Calventius, respondes, altero ad frontem sublato, altero ad mentum depresso supercilio, crudelitatem tibi non placere. His te ille, homo dignissimus tuis laudibus, conlaudavit.*

‘About two days after this you were introduced into an assembly of the people by the man at whose disposal you were placing your consulship; when you were asked your



opinion of my consulship, you – as if an austere advocate, another Calatinus one would think or an Africanus or Maximus, and not a Caesoninus Semiplacentinus Calventius – you answer with the one eyebrow raised to the forehead and the other pressed down to the chin that you disapprove of cruelty. After these your praiseworthy words, the most honourable fellow eulogized you.’<sup>25</sup>

Cicero’s *in Pisonem* is, of course, anything but objective; its attack on Piso forms part of Cicero’s attempt to regain his foothold in Roman political life after his exile by, partly, putting the blame for his exile on Piso and Gabinius.<sup>26</sup> While Cicero’s storyline regarding this *contio* changes slightly over the course of his speeches after his return from exile,<sup>27</sup> his report of Piso’s reply seems at first glance consistent in meaning (if not in wording). In the *post Reditum in Senatu* from 57 BC, he reports that Piso dared ‘*dicere te semper misericordem fuisse*’ (‘declare that you had always been compassionate’), whereas in the *in Pisonem* from

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<sup>25</sup> Cic. *Pis.* 14 (OCT). See also Cic. *Sest.* 33; *Red. Sen.* 17; D.C. 38.16.6. Nisbet (1961) *ad loc.* argues with reference to D.C. 38.16.6 that this ‘*ille homo*’ is Gabinius, but it could also be Clodius. For discussion of Clodius’ contional tactics at this and other meetings, see Tan in this volume.

<sup>26</sup> See Nisbet (1961) for an excellent commentary on the text. Much else has been written on the *in Pisonem*; see the bibliographical list in May (2002), 595 to which could be added Dugan (2005), 21-74; Gildenhard (2011), 46-9, 182-90.

<sup>27</sup> In the *pro Sestio* of 56 BC, Cicero argues that Piso and Gabinius stated their approval of all Clodius’ measures being taken against Cicero and the *res publica*, by contrast with this passage from *in Pisonem* where Piso is apparently asked by Clodius to express his views on Cicero’s consulship. See Kaster (2006), 193-4 and the chronological table on 393 onwards for more details.

55 BC, Cicero reports Piso as saying that ‘*crudelitatem tibi non placere*’ (‘you disapprove of cruelty’).<sup>28</sup> This seeming consistency in meaning suggests that Piso had indeed replied by expressing disapproval of the execution of the Catilinarian conspirators and preference for mercy instead.

However, it is worth reminding ourselves that Cicero had used similar language (*misericordia*, *misericors*, *crudelitas*, *crudelis* and *crudeliter*) in the circulated, if not also in the delivered, version of his Catilinarian speeches.<sup>29</sup> We also know that he was criticized for *crudelitas* in the case of the Catilinarians by his political enemies.<sup>30</sup> Sallust later made his ‘Caesar’ and ‘Cato’ use these terms in their ‘speeches’ in the Catilinarian debate on 5

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<sup>28</sup> Cic. *Sest.* 33; *Pis.* 14; Cic. *Red. Sen.* 17 (OCT). Dio (38.16.6) also reports on this meeting, including Piso’s reply. Dio’s inclusion of this story and even Piso’s argument against cruelty is likely to have derived from Cicero, directly or indirectly.

<sup>29</sup> *Misericordia* and *misericors*: Cic. *Catil.* 1.16, 2.16, 4.11-12. *Crudelitas*, *crudelis* and *crudeliter*: *Catil.* 2.14, 3.23-4, 4.10-12, 4.13. Circulation of Cicero’s Catilinarian speeches probably took place shortly after the event and again in or shortly after 60 BC, when Cicero sent a collection of his ‘consular speeches’ to Atticus for comment (Cic. *Att.* 2.1.3 [SB 21]), although the precise interpretation of this letter is much debated. Those arguing for publication shortly after delivery: McDermott (1972); Stroh (1975), 51, n. 90; Phillips (1986); Cape (1995), 258-9. Berry argues for publication in 60 BC: Berry (1996), 55 n. 258, and (2006), 313 note to Cic. *Catil.* 4.1, 316-17 note to Cic. *Catil.* 4.18 and 4.21. Steel (2005), 50-4 suggests that Cicero might have circulated one version of his speeches in 62 BC, but that he probably revised these in 60 BC. In any case, the Catilinarian speeches were in circulation before this *contio* of early 58 BC.

<sup>30</sup> Cic. *Sul.* 7-8, 93 (with Gildenhard [2011], 65-6); *Dom.* 75.

December 63 BC.<sup>31</sup> We cannot be certain whether Cicero used these terms in the debate or whether he included them in the circulated speeches only because he was inspired by the use of others, possibly Caesar and Cato (although Sallust, in turn, may have been inspired by Cicero's usage in either delivered or circulated versions or by the usage of somebody else). What we do know is that Cicero says Piso used the words *misericors* and *crudelitas* at the *contio* where Clodius asked for Piso's comment on his *lex Clodia de capite civis Romani*, when reference to the Catilinarian debate was unavoidable.

Cicero could, of course, simply have put these words into Piso's mouth in his discussions of the *contio* meeting. By highlighting the discussion of *misericordia* and *crudelitas* in the *post Reditum in Senatu* and the *in Pisonem*, Cicero could refer back to his earlier usage of these terms, if not in the actual debate then certainly in his circulated version of his Catilinarian speeches, in his defence of his decision to execute the conspirators. On the other hand, it is entirely possible that Piso used this terminology to criticize Cicero's decision because either term could be used both for and against execution (as the debate between Sallust's 'Caesar' and 'Cato' illustrates).<sup>32</sup> Of the two terms, *crudelitas* had a more legal meaning as it meant the maltreatment of somebody who did not deserve this treatment or whose suffering went beyond his social status.<sup>33</sup> If Piso used *crudelitas*, his criticism of Cicero was directed at the issue of legitimacy in executing Roman citizens without trial. *Misericordia* had a more

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<sup>31</sup> Sal. *Cat.* 51.1, 51.4, 51.14, 51.17, 52.12, 52.27, 52.32, 52.36. On 'Caesar' and 'Cato' in Sallust see Syme (1964), ch. 8.

<sup>32</sup> Sal. *Cat.* 51-2. Indeed, Benferhat (2002), 61 does not question the veracity of Cicero's reference to Piso's use of *misericordia*.

<sup>33</sup> Lintott (1968/1999b), 46-7. See also Gildenhard's (2011), 208-13 discussion of *crudelitas* in Ciceronian usage in its philosophical context.

emotional meaning, ‘pity roused by the misfortune of others’,<sup>34</sup> and it was used to appeal to the empathy of the audience. It has been linked with Epicureanism, but could also be understood to reflect a Hellenistic influence on Roman social and political thought in general.<sup>35</sup> If Piso referred to his *misericordia*, he focused on an ethical point, employing *pathos*, and sidestepped the constitutional point about execution of Roman citizens without trial, which had been argued by Caesar in 63 BC and others after him.<sup>36</sup> Such a reference to *misericordia* would have been a clever answer which underlined his Epicurean leanings and thereby his public persona as a just and well-considered man. But it would also be a clever answer in terms of politics: by referring to his preference for mercy, he used his well-known philosophical belief as a shield which he could employ later in case of criticism.<sup>37</sup> We cannot know whether Piso did indeed use any of these terms, but it seems a clear possibility that Piso used one or both of the words in his reply to Clodius’ question in the *contio*: a reference to *crudelitas* would have reflected back on the constitutional debate in 63 BC, while a reference to *misericordia* would have the added element of underscoring Piso’s Epicurean belief. Even if we accept that Cicero is referring to the content of Piso’s speech as it was given, the fact that Cicero’s report of Piso’s words differ in language (*misericordia* as opposed to *crudelitas*)

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<sup>34</sup> Pétré (1934) (distinguishing between a rhetorical and a philosophical meaning);

Hellegouarc’h (1963/1972), 261.

<sup>35</sup> Possible links with Epicureanism: Griffin (2001), 88-92; more general application:

Hellegouarc’h (1963/1972), 261; Benferhat (2002), 61.

<sup>36</sup> e.g. Gabinius (cos. 58 BC) and, of course, Clodius. See D.C. 38.17.1-2; Plu. *Cic.* 30.4.

<sup>37</sup> Of course, Cicero criticizes exactly this expression of Piso’s by putting it into the context of their personal relationship where, Cicero argues, Piso had obligations to Cicero (*Cic. Red. Sen.* 17), and the context of senatorial power and obligation to act upon dangers to the *res publica* (*Cic. Pis.* 14-16).

makes it difficult to regard these bits as fragments in the strict sense of exact quotations from a speech of Piso, unless, of course, Piso elaborated on his view and delivered both the passages mentioned by Cicero.

To return to Piso's oratorical performances, Cicero describes how Piso became implicated in Cicero's efforts to have Pompey confirm his protection of Cicero against Clodius, probably sometime during March 58 BC.<sup>38</sup> The exact actions are explained in different ways in Cicero and the later sources, which lay out how senior senators, Cicero's son-in-law Piso, and Cicero himself appealed to Pompey – without success.<sup>39</sup> In the *in Pisonem*, Cicero relates how Piso warded off Pompey's suggestion of consular and senatorial action on behalf of Cicero by using his Epicurean beliefs to good effect.<sup>40</sup> Cicero says that Piso encouraged Cicero to take matters into his own hands by not resisting the law, but instead bowing to the storm and saving the state a second time, and he confirmed his and Caesar's protection of Clodius as tribune, thereby advocating a seemingly non-violent and almost constitutional view. Whilst Cicero is trying to put Piso in as bad a light as possible, Piso's rhetoric nevertheless appears effective in deflecting Pompey's attempt to place the burden of activity on Piso and Gabinius

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<sup>38</sup> Kaster (2006), 396 n. 6.

<sup>39</sup> Cic. *Pis.* 77; D.C. 38.17.3; Plu. *Cic.* 31.2. See Moles (1988) *ad* Plu. *Cic.* 31.2-4 on Plutarch's source for this episode, mainly Cic. *Pis.*, his manipulation of the material, and for parallels in other *Lives* of Plutarch. Cicero's son-in-law, L. Calpurnius Piso Frugi was a distant relative of L. Calpurnius Piso Caesoninus, our consul of 58 BC; their families represented different branches (the Frugi and the Caesoninus branches), as argued by Syme (1960). Therefore, when Cicero's son-in-law appealed to Piso Caesoninus (Cic. *Pis.* 13), he did so to a distant relative with little family obligation, not to a close kinsman.

<sup>40</sup> Cic. *Pis.* 78. See Griffin (2001), 88-9 for the philosophical background.

as well as in underlining Piso's public persona as a peaceful protector of the *res publica*.

Piso's political skills were sharp and his oratory aimed at isolating Cicero and redirecting the blame from himself and onto Cicero. Again, Cicero may have revised Piso's words to some extent, but his criticism of Piso would have had more force if he was indeed attacking Piso's actual public expressions.

Piso employed a similar reference to legal constraints later in the year, when Cicero's supporters tried to effect a recall in spite of a clause in Clodius' law which forbade senatorial discussion of the law.<sup>41</sup> This did not stop Cicero's supporters, but Piso used this clause to argue the constitutional viewpoint by allegedly saying that he was 'in favour of bringing such a motion, but hindered by the law' (*cupere vos diceretis, sed lege impediri*).<sup>42</sup> This kind of argument fits in with Piso's earlier argument that he (and Caesar) would not go against a lawful tribune both on the legality of the question and in the refusal to act against Clodius (who had secured Piso the promising proconsular province of Macedonia). Clearly, Piso was not willing to sacrifice his political position to Cicero's cause. Once more, we cannot be sure that the expressions put into Piso's mouth by Cicero are exact quotations, but they ought to be included in a list of Piso's possible public performances, at least as a testimonium.

Cicero's many and harsh attacks on Piso in his speeches delivered after his return from exile and his attempt at having Piso recalled from his proconsulship in Macedonia, prompted Piso

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<sup>41</sup> Cic. Att. 3.23.2 (SB 68); Red. Sen. 4, 8; Dom. 70; Pis. 29.

<sup>42</sup> Cic. Pis. 29 (OCT). The dating is unclear, but since Cicero refers to the clause of the *lex Clodia* in a letter from Greece (Cic. Att. 3.23.2) (SB 68) in late November 58 BC, the issue must have been discussed before that date, most likely during the autumn.

to speak in the senate upon his return in summer 55 BC, criticizing Cicero's actions.<sup>43</sup> Cicero replied with a speech in the senate in the beginning of August 55 BC, which he reworked and circulated as the *in Pisonem*.<sup>44</sup> As mentioned before, Cicero's speech gives us some insights into Piso's speech, as Cicero possibly quotes and paraphrases parts of it in his replies to Piso's criticism.<sup>45</sup>

In his speech, as reported by Cicero, Piso referred with pride to his own electoral victories and his birthplace of Placentia (*Asc. Pis.* 2 C; *Cic. Pis.* 2), and asked Cicero why he had expected his help in 58 BC and not relied on his own resources to defend himself against his own enemies (*Pis.* 18). As seen above, Piso had already in 58 BC argued that the outcome was in Cicero's own hands; this point Piso seems to have repeated in 55 BC. Piso also criticized Cicero's decision to go into exile (*Pis.* 31) and, it seems, challenged Cicero's view that he had taken his country with him into exile by stating that Cicero had been deprived of his country (*Pis.* 34). He also ridiculed Cicero's laudatory poems on his consulship and suppression of the Catilinarian conspiracy and even stated that it was these verses rather than the action itself which harmed him (*Pis.* 72-4). Piso also told Cicero to his face that he was fighting men he despised whilst leaving alone more influential men who were much more to blame for the exile (*Pis.* 75), arguing that he was the last man whom Cicero ought to treat as

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<sup>43</sup> *Asc. Pis.* 2 C. Whether Cicero was to blame or not for Piso's recall from Macedonia is uncertain.

<sup>44</sup> For dating and publication, see Nisbet (1961), Appendix VIII, 199-202. For a more recent discussion of the occasion and the debate between Cicero and Piso see Lintott (2008), 210-11.

<sup>45</sup> See Koster (1980), 355-7 for a slightly different list of possible fragments and testimonia from Piso's speech, as preserved in Cicero's *in Pisonem*.

an opponent (*Pis.* 78). This first point was indeed true, as Cicero avoided criticizing Pompey and Caesar openly and instead placed the blame on Piso and Gabinius. Piso also openly challenged Cicero to prosecute him, as Cicero had threatened, but never dared to do in the event (*Pis.* 82, 94). Aside from direct criticism of Cicero, Piso also defended his decision not to apply for a triumph after his military victories in Macedonia (*Pis.* 56) and even spoke sarcastically about M. Pupius Piso's (cos. 61 BC) desire for a triumph (*Pis.* 62). Piso's remark that such a desire for a triumph was wholly alien to his own outlook forms part of his Epicurean self-representation.<sup>46</sup>

In the discussion following Piso's speech in the senate, an *altercatio* took place between Piso and L. Manlius Torquatus (cos. 65, procos. Macedonia 64-63 BC), in which Torquatus questioned Piso's proconsular conduct. In Cicero's description, Torquatus pressured Piso to admit that he had left his province without the vast army that he had transported there, having disbanded it as an act of kindness (*Pis.* 47, 92). This criticism played into Cicero's point about Piso's maladministration of his province.<sup>47</sup> Torquatus' criticism derived from personal hostility as Piso had ridiculed his wish for a triumph despite his adherence to Epicureanism.<sup>48</sup> On the whole, Piso seems to have been as good a governor as most of his colleagues and

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<sup>46</sup> Cic. *Pis.* 62 with Gruen (1968a), 166; Griffin (2001), 91. On Pupius' relations to Pompey and the implications for Piso's criticism of Pupius, see Gruen (1968a), 167-9.

<sup>47</sup> Ironically, Cicero would himself leave his proconsular province of Cilicia in the charge of one of his legates, an action he criticizes in Piso (also noted by Broege [1969], 97).

<sup>48</sup> Add to *Pis.* 47, 92 already mentioned *Pis.* 78, which indicates that Torquatus supported Cicero already in 58 BC. cf. Griffin (2001), 94-5 on Torquatus' Epicureanism and Piso's criticism of him. Gruen (1968a), 166-7 puts this into a wider context of Pisonian animosity to Pompey and Pompey's supporters.



therefore far from Cicero's negative depiction.<sup>49</sup>

For the sake of evaluating Piso's oratorical aims and skills, it is worth considering individually some of the points raised in 55 BC. Why, for example, did Piso mention explicitly his elections *suo anno*? Had Cicero raised a point about Piso's election being due only to his name (and repeated this again in his speech of 55 BC) or had Piso himself brought up the point as an argument in general about his abilities as a Roman magistrate in response to Cicero's criticism of his consulship and proconsulship? The latter possibility seems most likely. Piso's censure of Cicero's decision to go into exile and his objection to Cicero's point about taking the *res publica* with him into exile chip away at Cicero's two main personae delineated in his speeches post-exile: the identification of himself with the *res publica* and his exile as a sacrifice for the sake of the state.<sup>50</sup> However, Cicero also says that Piso's answer to Cicero's appeal for help in early 58 BC had been that Cicero could save the state a second time if he did not resist Clodius' law.<sup>51</sup> Could Piso have both urged Cicero to go into exile and later ridiculed the exile, or is Cicero putting words in Piso's mouth? Piso's words seem, at least, to have been twisted in Cicero's account and he may, in fact, have suggested that Cicero withdraw from the struggle with Clodius in early 58 BC so as to avoid an escalation, and still have ridiculed Cicero's behaviour leading up to, during, and after the exile. Finally, Piso's critique of Cicero's poem on his consulship is noteworthy as a probable direct citation of Piso's words by which we can judge his oratory (underlined text indicates Piso's possible words):

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<sup>49</sup> Nisbet (1961), 172-80; Broege (1969), 60-98.

<sup>50</sup> See May (1988), 94-8, 103-5; Dyck (2004).

<sup>51</sup> Cic. *Pis.* 78.

*Qui modo cum res gestas consulatus mei conlaudasset, quae quidem conlaudatio hominis turpissimi mihi ipsi erat paene turpis, 'non illa tibi' inquit 'invidia nocuit sed versus tui.' ... 'Scripsisti enim: "cedant arma togae."' Quid tum? 'Haec res tibi fluctus illos excitavit.' ... (73) ... 'Tuae dicis,' inquit, 'togae summum imperatorem esse cessurum.' ... (74) ... 'At in altero illo,' inquit, 'haeres: concedat laurea laudi.' ... (72) 'At any rate, when he had praised the achievements of my consulship, the praise from such a disgraceful person being almost offensive to me, he said, "It was not any hatred of your person which harmed you but your poems." ... "For you wrote: 'Let arms yield to the toga.' This expression provoked those storms against you." ... (73) ... "You say," he says, "that the greatest general will yield to the toga." ... (74) ... "But in the next line," he says, "you are caught, 'and laurels to laudation'."'<sup>52</sup>*

Piso jokingly argued that it was Cicero's poems, not his actions, which caused his unpopularity and exile. Cicero acts as if he takes this view seriously and rejects it. Cicero's rhetorical point aside, Piso's tactic was useful in reminding his audience of Cicero's exaggerated self-praise and thereby undermining Cicero's claim to have been wronged by madmen such as Clodius, Piso and Gabinius; Piso repeatedly stressed that the exile was Cicero's own decision. This line of argument is supported in Piso's assertions that Cicero is chasing the wrong people in his vengeful attack and that Piso is the last person to blame.

As with Cicero's other quotations of Piso's oratory, we cannot be sure that he quotes Piso verbatim or even paraphrases him accurately. But taken together with Cicero's discussions of Piso's earlier oratory (for example, the *contio* speech of 58 BC), the similarity in points made

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<sup>52</sup> Cic. *Pis.* 72-4 (translation with the use of Griffin and Atkins [1991] for the quotations from Cicero's poem).

and the emphasis on a moderate, even compassionate, stance suggest that Cicero reports the meaning of Piso's speeches somewhat faithfully. Seen together, the possible snippets of Piso's oratory form a picture of a politician consistent in his views and confident in asserting them. He did not let Cicero's attacks post-exile go unchallenged but replied in a coherent and composed manner. This, in combination with his authoritative appearance,<sup>53</sup> meant that he was an opponent Cicero had to take seriously and employ all his oratorical powers to counter. The strong rhetoric of the *in Pisonem* certainly reflects Cicero's need to employ all his rhetorical and oratorical powers in this speech.

Piso was not silenced by the *in Pisonem* but challenged Cicero's strong accusations and presumably Cicero himself in the pamphlet formulated as a speech circulated in the summer of 54 BC.<sup>54</sup> We know nothing of the content of the work, but we can imagine Piso trying to counter some of Cicero's more or less wild allegations. Cicero did not want to reply to this pamphlet because, he argues, Piso's pamphlet will soon be forgotten if Cicero abstains, while all schoolchildren learn his *in Pisonem* by heart. As Griffin notes, Cicero obscures the lack of political success achieved by his *in Pisonem* by focusing on the rhetorical, even didactic, success.<sup>55</sup> According to the extant sources, this is the last public manifestation of the accusatory and very personal debate concerning Piso's consulship and Cicero's exile

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<sup>53</sup> Nisbet (1961), xv: 'Piso was a formidable personage'; 179: 'Piso was uncommonly level-headed'; Corbeill (1996), 37, 169-73; Griffin (2001), 92-5.

<sup>54</sup> Cic. *Q. fr.* 3.1.11 (SB 21) (this is the second item in Malcovati's *ORF*<sup>4</sup> entry on Piso). The connection claimed between this pamphlet and pseudo-Sallust [Sal.] *Cic.* is not tenable: *RE* Suppl. 1: 'Calpurnius (90)'; Nisbet (1961), 197-8.

<sup>55</sup> Griffin (2001), 94.

conducted between Cicero and Piso in the years 57-54 BC.<sup>56</sup> Piso had the last word, in public. Piso's responses to Cicero's allegations show that he was unwilling to accept Cicero's version of the story and that he had considerable confidence in his own version.

In the following years, Piso continued his political career as a senior consular. The only known appearance of Piso in a court, in contrast to several senate speeches and many more meetings, took place in 54 BC. Piso was among the prominent senators witnessing on behalf of M. Aemilius Scaurus (the son) who was acquitted in the summer of 54 BC on charges *de repetundis* related to his propraetorship in Sardinia.<sup>57</sup> Even if our sources do not inform us, Piso may have been involved in other trials as witness or advocate, but if he was a rare speaker in the courts, the special circumstances of the Scaurus trial could explain his break from usual practice. Asconius does not tell us anything about Piso's performance or its effect. Scaurus' acquittal cannot be put down to Piso's testimony specifically.

We have no evidence of Piso's activities in the period between his defence of Scaurus and his election to the censorship of 50 BC.<sup>58</sup> His election to the censorship, together with Appius

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<sup>56</sup> Although we know that they were still political enemies at the end of 50 BC: Cic. *Fam.* 8.12.2 (SB 98).

<sup>57</sup> Asc. *Scaur.* 28 C. For the political implications of this trial, see Gruen (1974), 333-7.

<sup>58</sup> Broege (1969), 112 suggests a temporary withdrawal from political life, but doubts that this withdrawal was related to Piso's Epicureanism, and she instead proposes exhaustion from the feud with Cicero or lack of an official use of Piso on Caesar's behalf. Perhaps this places too much weight on Piso as a political instrument of Caesar's, as Piso was a powerful figure in his own right. Hofmann-Löbl (1996), 180-1 considers the same options but with more arguments and more consideration for the political background. Can we imagine Piso

Claudius Pulcher (cos. 53 BC), is testament to his strong position in political life, as a Piso, a consular and as Caesar's father-in-law.<sup>59</sup> Dio's information that Piso was made censor against his will and that Piso was passive in the expulsions of senators conducted by his censorial colleague has also been seen as part of Piso's self-presentation as an Epicurean,<sup>60</sup> but his loyalty to Caesar was made clear in his defence of Caesar's fervent supporter, the tribune Curio, whom Appius wanted to expel from the senate.<sup>61</sup>

At the beginning of the civil war in 49 BC, Piso was active in the senatorial discussion on the right approach to Caesar's demands. Caesar himself reports Piso's offer to go on an embassy to Caesar.<sup>62</sup> However, when Caesar marched on Rome, Piso left the city so as not to meet him, an act applauded by Cicero.<sup>63</sup> This tactic could be explained as political wavering, or alternatively as the consistent stance of a moderate politician, perhaps influenced by Epicureanism.<sup>64</sup> The same moderate stance could be behind Piso's mention of Marcellus, Caesar's long-time political enemy and in virtual exile in Greece, at the senate meeting where

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carrying out specific tasks for Caesar which escaped the sources, just as Marcus Antonius did in 46-45 BC, as argued by Ramsey (2004)? The lack of information could simply be a reflection of our reliance on Cicero as a source: if Cicero decided not to engage himself with Piso, then there was no need to mention him.

<sup>59</sup> *Caes. Civ.* 1.3.6; *Tac. Ann.* 6.10; *Inscr. Ital.* XIII 132. D.C. 40.63 connects Piso's election with his position as a supporter of Caesar.

<sup>60</sup> D.C. 40.63; Griffin (2001), 89.

<sup>61</sup> D.C. 40.63.

<sup>62</sup> *Caes. Civ.* 1.3.6. cf. D.C. 40.63.

<sup>63</sup> *Cic. Att.* 7.13.1 (SB 136); *Fam.* 14.14.2 (SB 145).

<sup>64</sup> Griffin (2001), 90 arguing the latter option.

Caesar granted his pardon of Marcellus.<sup>65</sup> Seen in the light of his philosophical leanings, Piso's political persona again appears to be consistent in outlook, and willing to follow his stance into politically unsafe waters. We do not know exactly what Piso said at these occasions, but what we can see is that he is active in the senate as a senior figure, and that his actions are followed, not least by Cicero.

If Piso's career benefited from Caesar's support, it is clear that by the murder of Caesar in 44 BC (and probably before, too<sup>66</sup>) that Piso did not need Caesar's backing to make himself heard in politics.<sup>67</sup> Yet it was his position as father-in-law, it seems, which made Piso request the reading of Caesar's will and a public funeral.<sup>68</sup> Appian puts a speech in Piso's mouth which may be pure invention, but Suetonius' evidence suggests that Piso did make the request. However, even if the speech may not have aroused clamour and indignation, as Appian says it did, it was nevertheless effective, as both of Piso's requests were met. Given the dramatic situation and Piso's personal relationship with the murdered dictator, it seems not impossible that he employed *pathos* to good effect (as did Marcus Antonius in the following funeral speech over Caesar).<sup>69</sup>

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<sup>65</sup> Cic. *Fam.* 4.4.3 (SB 203). It is not clear whether Piso gave a speech or simply mentioned Marcellus in the course of the discussion (*cum a L. Pisone mentio esset facta de Marcello*); nor is it clear whether or not Caesar himself instigated this scene in order to make a gesture. cf. discussion in How (1926), 2.405. Gelzer (1968), 281 argues simply that 'the case of Marcellus was raised in the Senate by Lucius Piso.'

<sup>66</sup> Hofmann-Löbl (1996), 182-3 sees the change during Piso's censorship in 50 BC.

<sup>67</sup> Griffin (2001), 92-5; Ferrary (2001a), 101; Benferhat (2002), 64.

<sup>68</sup> Suet. *Jul.* 83; App. *BC* 2.135-6.

<sup>69</sup> Cic. *Att.* 14.10.1 (SB 364), 14.11.1 (SB 365), 15.20.2 (SB 397); Plu. *Ant.* 14; Suet. *Jul.*

Piso had enough confidence too to criticize Marcus Antonius in a speech delivered in the senate on 1 August 44 BC. He was the first to attack Antonius' position publicly since Caesar's murder, but received no support (Cicero was on his way to Greece but turned around to help fight Antonius).<sup>70</sup> Cicero argued that Piso was the only consular worthy of his office and of the state.<sup>71</sup> As remarked by Ramsey, we have no securely attested details of the speech, but a passage quoted in Cicero's twelfth *Philippic* speech could derive from Piso (the underlined text):<sup>72</sup>

*L. Pisonis, amplissimi viri, praeclara vox a te non solum in hoc ordine, Pansa, sed etiam in contione iure laudata est. Excessurum se ex Italia dixit, deos penatis et sedes patrias relicturum, si – quod di omen avertant! – rem publicam oppressisset Antonius. Quaero igitur a te, L. Piso, nonne oppressam rem publicam putes, si tot tam impii, tam audaces, tam facinerosi recepti sint?*

‘Pansa, you rightly praised a splendid expression of Lucius Piso, that distinguished gentleman, and that not only here [in the senate], but even in a public assembly. He declared that he would leave Italy, abandon his household gods and his ancestral home, if – may the gods avert the omen! – Antonius extinguished the Republic. (15)

Now I ask you this, Lucius Piso, would you not think the Republic extinguished if so

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84.2; App. *BC* 2.143-6. There is plenty of scholarly work on Antony's speech; Matijević (2006), 101, n. 168 presents an overview, and Mahy in this volume discusses it too.

<sup>70</sup> Cic. *Phil.* 1.10, 1.14, 1.28, 5.19, 12.14; *Att.* 16.7.7 (SB 415); *Fam.* 12.2.1 (SB 329).

<sup>71</sup> Cic. *Phil.* 1.14.

<sup>72</sup> Ramsey (2003) *ad* Cic. *Phil.* 1.10.

many who are so immoral, so audacious, so wicked are taken back?<sup>73</sup>

If these were indeed Piso's words, they are dramatic, full of *pathos* and in a high style worthy of a *nobilis* advocating the observance of traditions. It is not difficult to imagine a similar style to have been adopted in Piso's request for a reading of Caesar's will.<sup>74</sup> Piso's proposal received no support at the time, as Antonius was far too powerful. But Piso's speech on 1 August was not without effect. The fact that the news of the speech travelled fast through Italy and reached Cicero and, undoubtedly, others, is proof. The speech itself must have been strong enough to have left a widespread impression of opposition to Antonius, but the main effect did not derive from the style or rhetorical technique, but rather from the situation in which it was delivered: a senior consular setting the *res publica* and the household gods against the powerful consul and successor of Caesar, an action which helped pull Cicero back to Rome and into the fight against Antonius and all the resulting events. Cicero suggested that it was exactly his position as Caesar's father-in-law which made it possible for Piso to attack Caesar's successor as consul.<sup>75</sup>

When the senate debated in a series of meetings on 1-4 January 43 BC what action to take on Marcus Antonius' siege of Decimus Brutus in Mutina, Cicero famously urged declaring Antonius a *hostis* and raising the young C. Julius Caesar Octavianus to unprecedented honours in the hope of his support in the fight against Antonius. Piso, however, may have

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<sup>73</sup> Cic. *Phil.* 12.14-15.

<sup>74</sup> Ramsey (2003) *ad* Cic. *Phil.* 1.10 suggests that Piso advocated the integration of Cisalpine Gaul into Italy, which would remove Antonius' base of military support from which to threaten Italy and Rome.

<sup>75</sup> Cic. *Phil.* 1.28.



argued against this proposal. Appian puts a speech in Piso's mouth to the effect that Antonius should not be declared a *hostis* and that his opponents should be reproached.<sup>76</sup> Piso is credited with, first, making the senators silent out of respect to him, and, second, being the reason Antonius avoided the incriminating status of *hostis* on this occasion. Appian is our only source for a speech by Piso on this occasion, and even if he did speak, we cannot be certain that the situation and result are described correctly.<sup>77</sup> However, it would fit our impression of Piso as a man advocating leniency and avoidance of unnecessary violence, and arguing from a constitutional viewpoint, as well as a man who demanded respect from his fellow-senators.<sup>78</sup> Of course, this may indeed have been one of the reasons for Appian's choice of Piso to voice these opinions. The discussions in the senate resulted in the decision to send a senatorial embassy to Antonius; Piso was one of the senators sent, together with Ser. Sulpicius Rufus and L. Marcius Philippus, but the trip was unsuccessful.<sup>79</sup> Piso and Fufius

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<sup>76</sup> App. *BC* 3.50, 54-61.

<sup>77</sup> Manuwald (2007) on Cic. *Phil.* 5 does not list other sources. Gabba (1956), 167 n. 1, Gabba (1957), 329-39 doubts the authenticity and suggests that Appian may have either joined two speeches of Piso and Fufius Calenus into one speech or exchanged Calenus for Piso in his account because Piso appears to have been on good terms with Antony a few months later; so the choice of Piso for this speech was purely for compositional reasons and not related to the historical reality, Gabba argues. Broege (1969), 121-2 and Hofmann-Löbl (1996), 185 n. 145 avoid taking a clear stand. Bosworth (1988), 96-9 and Gowing (1992), 236-9 discuss further possibilities for Appian's inclusion of a speech by Piso.

<sup>78</sup> Griffin (2001), 90 and Benferhat (2002), 71 have seen a connection between Piso's stand against tyranny and Philodemus' work *de bono rege secundum Homerum*, addressed to Piso, a work which argued against tyranny.

<sup>79</sup> Cic. *Fam.* 12.4.1 (SB 363).

Calenus later proposed a second embassy to Antonius, but that was never agreed upon.<sup>80</sup> This is the last we hear of Piso.<sup>81</sup>

Rome was to a large extent an oral culture, and speech was at the heart of political life. However, most modern discussions of republican oratory and its intersection with politics have focused on Cicero's oratory, even if we have evidence about other orators and politicians to provide more aspects and facets to our picture. What is striking about Piso's oratory is, first, how much we actually do know about his career and specific oratorical performances, and, secondly, that he entered readily into an oratorical contest with Rome's greatest living orator, Cicero. To do so, he must have thought of himself as having oratorical skills good enough to counter Cicero's allegations.

Can we piece together a picture of Piso's oratory and its influence on his political career?<sup>82</sup> From what we know, he was a respected and authoritative senator who time and again advocated peaceful solutions to political problems and avoided violent reactions. When directly attacked by Cicero, though, he did not shrink from giving a public reply after his return to Rome. In his reply, he seems to have been remarkably even-tempered and consistent with his previously expressed views on Cicero's situation in 58 BC. As an orator, he had the confidence to counter Cicero's allegations in the 50s BC and Antonius' actions of 44 BC in public speeches. His decision to write a pamphlet in reply to Cicero's *in Pisonem* rather than delivering a further speech could be read as a reluctance to continue the invective discussion

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<sup>80</sup> Cic. *Phil.* 12.3.

<sup>81</sup> Piso may have lived on after 43 BC. His son went on to become *pontifex* and consul in 15 BC; see Syme (1986), 329-45 for further discussion of the son's career.

<sup>82</sup> For a brief but general character sketch see Syme (1939), 135-6.

out of Epicurean ideals of calmness rather than lack of oratorical courage. His career appears not directly or mainly influenced by his own speeches, but he did assert his *auctoritas* and *dignitas* through speeches delivered at crucial points in his career (when he was publicly questioned as consul, after his early recall from his proconsulship, and in his reaction to the outbreak of civil war in 49 BC). The lack of evidence of much forensic or contional activity could suggest a politician building his career less on speeches in these contexts and more on nurturing his senatorial credentials through senatorial speeches and networking with fellow senators, who would appreciate his ancestry as a Piso. We can also note the absence of military achievements in Piso's self-advertisement, possibly thanks to his Epicurean beliefs, or his lack of praiseworthy exploits. In contrast to the example offered by Cicero, it was clearly possible to create a successful political career based on an impressive ancestry, a good marriage connection, effective if not brilliant oratory, and good networking skills. By looking again at the sources, the richness of our evidence on often overlooked orators such as Piso becomes apparent. Much more can be said about these orators and their performances can help us nuance our understanding of Roman republican oratory and its place in Roman political life.